U.S. Department of Labor

Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7740
Fax: (415) 625-7772

June 30, 2017

VIA ELECTRONIC MAIL ONLY

J.R. Riddell
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall #3000
Sacramento, CA 95814
jriddell@orrick.com

> Re: *OFCCP v. Oracle America, Inc.*, Case No. 2017-OFC-00006,
> Follow-Up on OFCCP's Requests for Data

Dear J.R.:

This letter explains in further detail the data implicated by OFCCP's Requests for Production ("RFP") Nos. 73-76, served on February 21, 2017. OFCCP requests that Oracle promptly begin a rolling production of responsive data, substantially completing its production by July 31, 2017.

As you are aware, Oracle has an affirmative obligation to conduct a reasonable search for material responsive to OFCCP's RFPs. *See, e.g., A. Farber & Partners, Inc. v. Garber*, 234 F.R.D. 186, 189 (C.D. Cal. 2006). To assist and expedite Oracle's search for and production of data responsive to OFCCP's requests, I identify specific fields of which OFCCP is aware that may contain responsive data. To be clear, however, OFCCP's assistance does not absolve Oracle of its obligation to perform its own reasonable search for responsive data. To the extent there are data not identified below that are responsive, Oracle must produce them.

Moreover, in making the specific requests below, OFCCP does not waive its right to request additional data in the future. OFCCP identifies the data sources below based on incomplete information. Among other things, Oracle refused the agency's request for a demonstration of the systems as part of the Rule 30(b)(6) interviews, preventing the agency from obtaining a full understanding of the information contained in the systems. Indeed, it became apparent during the interviews that there were systems Oracle had not informed OFCCP existed (*e.g.*, Workflow). Also, during the interviews, Oracle instructed witnesses not to answer various questions OFCCP asked, taking an overly restrictive view of the subjects identified for the interviews. Thus, pursuant to RFP Nos. 73-76, OFCCP may request additional data.

Exhibit 4

I. RFP No. 73: Data Pertaining to Employees in the PT1 Job Group or in the Product Development, Information Technology, and Support Lines of Business

Through this request, OFCCP seeks demographic and non-payroll, work-related information on the alleged affected employees, including their basic demographic information (*e.g.*, gender, race, ethnicity, nationality, date of birth, etc.); job history at Oracle (*e.g.*, positions held, responsibilities, organizations in which they worked, managers for whom they worked); compensation history at Oracle and in the job immediately prior to Oracle; performance history at Oracle (*e.g.*, performance evaluations and talent rankings); qualifications, including education (*e.g.*, degrees received, higher education institutions attended) and prior work experience to Oracle; and any characteristic Oracle contends is relevant to setting its employees' compensation.

Pursuant to this request, OFCCP asks that Oracle produce compensation snapshots as of the beginning of calendar years 2013, 2014, 2015, 2016, and 2017 containing each employee in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. Such snapshots must contain the data produced in ORACLE_HQCA_0000000004, along with the following:

- W-2 Box 5 (Medicare wages) data

- Compa Ratio for the employee's current salary

OFCCP also requests that Oracle produce the following background and historical data for each of individual appearing in the snapshots requested above. Such data must be related to each individual employee through use of an appropriate primary key.

Field	Database	Comments
Information on GSIAP "Personal" tab: birth date; town, region, and country of birth; status; nationality; registered disabled	GSIAP	*See* DOL000030818
Information on GSIAP "Employment" tab: ethnic origin, ethnicity disclosed, I-9 status, I-9 expiration	GSIAP	*See* DOL000030819
Information on GSIAP "Office Details" tab: office, location, mailstop, and email	GSIAP	*See* DOL000030820
Information on GSIAP "Applicant" tab: resume exists; last updated **Any resume information cut-and-pasted in**	GSIAP	*See* DOL000030821 Mr. Juvara stated that, at

Field	Database	Comments
a field within GSIAP		the time of offer, employees enter their resume by cutting-and-pasting the information into a field that is eventually stored in GSIAP.
Information in Previous Employment Information Window: employer; address; country; type and sub type; description; start date; end date Previous Job information: all information, including start date, end date, job, employee category Assignment – Previous Job Mappings information: all information, including assignment, job, start date, and end date	GSIAP	*See* DOL000030824
Information on Schools and Colleges Attended window: school or college, start date, end date, and full time	GSIAP	*See* DOL000030825
Salary History: change date; reason; currency code; previous salary; actual salary; grade; salary range minimum, midpoint, and maximum; comparatio; annual salary For each salary change in an employee's salary identified in the data, the following information appearing in Workforce Compensation / Compensation Workbench: ranking and rating, notes, any supporting documentation, approval audit log (*e.g.*, approver names, date and time approved, approval statuses, comments).	GSIAP GSIAP – Workforce Compensation / Compensation Workbench	*See* DOL000030827 Kate Waggoner explained that, for any focal (annual) increase, managers can input a rank, rating, and notes to justify the increase. She also explained that approvals for each increase are logged.
Other Compensation Award information: data on all awards of any bonuses and additional equity	GSIAP – Workforce Compensation /	Kate Waggoner explained that, for any bonus or equity award, managers

Field	Database	Comments
For each award of any bonus or additional equity, the following information appearing in Workforce Compensation / Compensation Workbench: ranking and rating, notes, any supporting documentation, approval audit log (*e.g.*, approver names, date and time approved, approval statuses, comments).	Compensation Workbench	can input a rank, rating, and notes to justify the award. She also explained that approvals for awards are logged.
Assignment (Job) history: dates job (from- and to-date); organization; job code (full string); grade; location; group; assignment number; assignment / employment category; reason; status; statutory information; supervisor; supervisor ID	GSIAP	*See* DOL000030828; ORACLE_HQCA_000000 0010
Performance Review history: type, date, rating, and any comments	GSIAP	*See* DOL000030827; ORACLE_HQCA_000000 0009
Talent Review history: all manager ratings, any final talent rating, all tasks assigned to employee, any comments regarding employee	Talent Review / HCM	Anje Dodson stated in her interview that managers who perform talent reviews assign their employees ratings on various dimensions, which ultimately result in a final talent rating. She also stated that, as part of the talent review, tasks are assigned to individual employees.
iRecruitment Application Information (for every application associated with an employee) **Candidate Details**: applicant number, email address, current employer, last degree completed, vacancy number, job title, application date, offer status, offer extended date	GSIAP – iRecruitment	*See* DOL000017396

Field	Database	Comments
Candidate Profile: email address, continuous hire date, citizenship, school, misc college, degree, GPA, status, tier, interview date, visit date, base salary, sign on, stock, relocation package, hiring manager, VP/SVP, EVP, group name, start date, offer sent, decision date, lost – reason, location preference, comments, position interested in		*See* DOL000017396
Employment History: employer, start date, end date, job title, location, description of job duties		*See* DOL000017397
Education: educational institution, location, start date, end date, degree, major subject, date received		*See* DOL000017397
Any Resume or Document attached to the application or cut-and-pasted into a field		*See* DOL000017398
Name and employee number of the assigned recruiter assigned to the application		*See* DOL000030823
iRecruitment Offer Information (for every application associated with an employee resulting in an offer) **Basic Offer Details**: business group, job, grade, organization, location, manager, manager email, manager employee number, recruiter, employment status, discretionary job title, justification for hire, candidate source, employee referral name, hire type, candidate's current job title, candidate's current salary		*See* DOL000031789
Salary Information: salary basis, proposed salary, grade range, comparatio, annualized salary		*See* DOL000031789

Field	Database	Comments
Additional Offer Details: stock, car allowance, relocation amount, sign on bonus, and any related justifications		*See* DOL000031790
Any Attachments (*i.e.*, Internal Documents or External Documents)		*See* DOL000031790
Offer History: offer status, user, date/time		*See* DOL000031790
Approval History: approver, approver type, category, approval status, date, comment		*See* DOL000031790
Approval History 2: name, action, date, comments		*See* DOL000031791

II.   RFP No. 74 and 75: Data Pertaining to Experienced Recruits and Transfer Employees

Through this request, OFCCP seeks information on affected applicants' demographics, qualifications, and application process, including their basic demographic information (*e.g.*, gender, race, ethnicity, nationality, date of birth, etc.); their application process (*e.g.*, job to which they applied, the individuals involved in their application, the disposition of their application); if successful, their compensation offer and any information affecting that offer (*e.g.*, components of compensation package, the rationale, and the candidate's prior salary); qualifications, including education (*e.g.*, degrees received, higher education institutions attended) and prior work experience to Oracle; and any characteristic Oracle contends is relevant to hiring.

Pursuant to this request, OFCCP asks that Oracle produce from January 2013 through the present information on non-college and transfer applicants to positions within the PT1 job group and positions within the Product Development line of business.

Specifically, OFCCP requests the Oracle produce all information on each requisition from this period, including hiring manager, requisition number, the date the requisition was created, job requirements and/or description, and any other organizational information available.

For each of these requisitions, OFCCP requests the following information for each of the applicants applying to the requisition:[1]

---

[1] We will supplement this list once we completed our interview with Carla Foster regarding the Taleo system.

Field	Database	Comments
iRecruitment Application Information	GSIAP – iRecruitment	
Candidate Details: candidate name, applicant number, email address, current employer, last degree completed, vacancy number, job title, application date, offer status, offer extended date		*See* DOL000017396
Candidate Profile: continuous hire date, citizenship, school, misc college, degree, GPA, status, tier, interview date, visit date, base salary, sign on, stock, relocation package, hiring manager, VP/SVP, EVP, group name, start date, offer sent, decision date, lost – reason, location preference, comments, position interested in		*See* DOL000017396
Employment History: employer, start date, end date, job title, location, description of job duties		*See* DOL000017397
Education: educational institution, location, start date, end date, degree, major subject, date received		*See* DOL000017397
Any Resume or Document attached to the application or cut-and-pasted into a field		*See* DOL000017398
Name and employee number of the assigned recruiter assigned to the application		*See* DOL000030823
Race, ethnicity, and gender for each applicant		Ms. Foster stated that each candidate must enter their "EEO information" as part of their application.
iRecruitment Offer Information (for each successful applicant)		
Basic Offer Details: business group, job,		*See* DOL000031789

Field	Database	Comments
grade, organization, location, manager, manager email, manager employee number, recruiter, employment status, discretionary job title, justification for hire, candidate source, employee referral name, hire type, candidate's current job title, candidate's current salary		
Salary Information: salary basis, proposed salary, grade range, comparatio, annualized salary		*See* DOL000031789
Additional Offer Details: stock, car allowance, relocation amount, sign on bonus, and any related justifications		*See* DOL000031790
Any Attachments (*i.e.*, Internal Documents or External Documents)		*See* DOL000031790
Offer History: offer status, user, date/time		*See* DOL000031790
Approval History: approver, approver type, category, approval status, date, comment		*See* DOL000031790
Approval History 2: name, action, date, comments		*See* DOL000031791
ORS Information: recruiter name; date candidate entered; candidate source (*e.g.*, referral); notes re candidate; Resume (often pasted); current company; education, degree, skill; prior experience (number of years from drop-down menu)	ORS	

III.   RFP No. 76: Data Pertaining to College Recruits

Through this request, OFCCP seeks information on affected college applicants' demographics, qualifications, and application process, including their basic demographic information (*e.g.*, gender, race, ethnicity, nationality, date of birth, etc.); their application process (*e.g.*, job to which they applied, the individuals involved in their application); if successful, their compensation offer and any information affecting that offer (*e.g.*, components of compensation package, the rationale, and the candidate's prior salary); qualifications, including education (*e.g.*,

degrees received, higher education institutions attended) and prior work experience to Oracle; and any characteristic Oracle contends is relevant to hiring.

Pursuant to this request, OFCCP asks that Oracle produce from January 2013 through the present information on college applicants to positions within the PT1 job group and positions within the Product Development line of business. Specifically, OFCCP requests the information below:

Field	**Database**	**Comments**
All Resumes submitted to recruiting mailbox		Ms. Cohn stated that college students submit resumes to recruiting mailboxes available on the Oracle website.
RESUMate Data: name, address, email, statuses and status history, source code, notes in Explanation field, notes in Notes field **Any Resume or Document attached to the application or cut-and-pasted into a field**	RESUMate	*See* ORACLE_HQCA_ 0000020173-74
Workflow / iRecruitment Offer Information (linked to successful applicant through use of a primary key) **Basic Offer Details:** business group, job, grade, organization, location, manager, manager email, manager employee number, recruiter, employment status, discretionary job title, justification for hire, candidate source, employee referral name, hire type, candidate's current job title, candidate's current salary **Salary Information:** salary basis, proposed salary, grade range, comparatio, annualized salary **Additional Offer Details:** stock, car allowance, relocation amount, sign on bonus, and any related justifications		*See* DOL000031789. Ms. Cohn stated that Oracle job code and job title successful candidates were hired into were entered into Workflow. *See* DOL000031789 *See* DOL000031790

Field	Database	Comments
Any Attachments (*i.e.,* Internal Documents or External Documents)		*See* DOL000031790
Offer History: offer status, user, date/time		*See* DOL000031790
Approval History: approver, approver type, category, approval status, date, comment		*See* DOL000031790
Approval History 2: name, action, date, comments		*See* DOL000031791

* * *

As always, I would be happy to discuss our positions and the items raised above. Please let us know when next week you are available to discuss.

Very truly yours,

JANET M. HEROLD
Regional Solicitor

By:

_____
MARC A. PILOTIN
Trial Attorney